

REMARKS

The Application has been reviewed in light of the Office Action mailed October 17, 2002. At the time of the Office Action, Claims 1-24 were pending in this Application. The Examiner has rejected Claims 1-24. Applicants have amended Claims 1, 8, 9, 13, 14, 16, 18, 19, 21, 22 and 24 to further define various features of Applicants' invention. Amendments to Claims 8, 9, 13, 14, 16, 18, 19, 21, 22 and 24 have been made to remove unnecessary limitations, or to correct grammatical or inadvertent errors. Applicants have cancelled Claims 15, 17 and 20. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-12 were rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,202,051 issued to Thomas G. Woolston (hereafter "Woolston"). Applicants respectfully disagree. The unique code for items in Woolston is generated by the seller of the items. The unique code in the present application is generated by the manufacturer and the characteristics retrieved are specified by the manufacturer. Claim 1 has been amended to clarify this source of the unique code and the characteristics. Accordingly, Applicants submit that Claims 1-8 are not anticipated by Woolston.

Applicants fail to see how Woolston discloses various elements of independent claim 9, such as executing a configuration utility. Accordingly, Applicants submit that Claims 9-12 are not anticipated by Woolston.

In light of the above, Applicants respectfully request that the rejection of Claims 1-12 be withdrawn.

Rejections under 35 U.S.C. § 103 - Availability of Henson as a Reference

Claims 13-24 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Woolston in view of U.S. Patent No. 6,167,383 issued to Ken Henson (hereafter "Henson").

Applicants respectfully assert that Henson is not a proper reference under § 103(a) because it falls within the scope of 35 U.S.C. § 103(c) as applied to applications filed on or after November 29, 1999.

The Henson reference was not published as a patent until December 26, 2000. The present application was filed on January 25, 2000. Accordingly the Henson reference qualifies as putative prior art only under 35 U.S.C. 102(e). The invention of the present application and the invention or application resulting in the Henson patent, at the time the invention of the present application was made, were commonly owned or subject to an obligation to assign to Dell Products, L.P. of Round Rock, Texas. Accordingly, Applicants respectfully submit that the Henson reference may not be used as a proper basis for a §103(a) rejection of the present application because it falls within the exception of §103(c). See MPEP §706.02(I).

Accordingly, Applicants request that the rejection of Claims 13-24 be withdrawn.

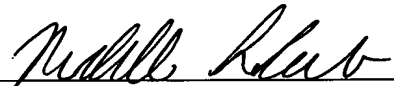
CONCLUSION

For the foregoing reasons, Applicants request that Claims 1-14, 16, 18, 19, and 21 to 24 be allowed. Early and favorable acceptance of this application is respectfully requested.

Applicants believe no fee is due with this timely response. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please cancel claims 15, 17 and 20.

Please amend Claims 1, 8, 9, 13, 14, 16, 18, 19, 21, 22 and 24 as set out below.

1.(amended) A method of preparing a description of an item for an online auction, said method comprising:

receiving a unique code corresponding to the item at a first computer system;
retrieving one or more characteristics corresponding to the unique code from a data storage area; and

transmitting the one or more characteristics to a requestor[.],

wherein the unique code is a manufacturer-supplied code and the one or more characteristics retrieved from the data storage area are specified by the manufacturer.

8.(amended) The method of claim 1 further comprising:

determining one or more compatible subparts for the item; and
transmitting **one or more characteristics of** the one or more compatible subparts to the requestor.

9.(amended) A method of preparing a description of a computer system for an online auction, said method comprising:

executing a configuration utility on **[the] a** first computer system, the configuration utility programmed to determine **[the]** one or more characteristics of the first computer system; and

transmitting the one or more characteristics to a second computer system.

13.(amended) A method of upgrading a computer system, said method comprising:

receiving a **configuration** list of one or more **[configuration]** items in the computer system;

determining a list of one or more components, the one or more components compatible with one or more items in the computer system;
selecting a new component from the one or more [substitute] components;
and
ordering the [replacement] new component.

14.(amended) The method of claim 13 further comprising:
accessing a computer network, the computer network connected to a merchant computer;
obtaining a price corresponding to the one ore more components from the merchant computer;
displaying the price on the display screen;
wherein the ordering includes sending the merchant a purchase request for the [replacement] new component.

16.(amended) The method of claim 13 wherein the receiving includes:
accessing a computer network, the computer network connected to the computer system and to a second computer system;
sending a unique code corresponding to the computer system from the computer system to the second computer system over the computer network; and
receiving at the computer system the configuration list of [configuration] items sent from the second computer system.

18.(amended) The method of claim 13 wherein the receiving includes:
executing a configuration utility on the computer system, the configuration utility programmed to determine the configuration list of one or more [configuration] items; and
storing the configuration list of one or more [configuration] items in a memory accessible by the computer system.

19.(amended) A method of purchasing a new computer system, said method comprising:

- [analyzing] executing a configuration utility in** an old computer system resulting in an old computer configuration;
- receiving new computer configuration **[data]** corresponding to the new computer system;
- comparing the old computer configuration with the new computer configuration resulting in one or more re-usable components; and
- ordering the new computer system without one or more re-usable components.

21.(amended) The method of claim 19 further comprising:

- acquiring a street price corresponding to the old computer **[system]** configured without the one or more re-usable components;
- obtaining a new computer price corresponding to the new computer **[system]** configured without the one or more re-usable components; and
- calculating a transaction price by subtracting the street price from the new computer price.

22.(amended) The method of claim 19 further comprising:

- transmitting the old computer configuration to an online auction computer, wherein the online auction computer is connected to a computer network, the computer network connecting the online auction site computer **[system]** to a first computer **[system computer]**.

24.(amended) The computer system of claim 23 wherein the **[computer software further comprises] computer program further operates to:**

- access a merchant computer system, the merchant computer system connected to the computer network;
- select a new computer system available from the merchant computer system;
- receive new configuration data corresponding to the new computer system;

compare the new configuration data with the configuration data, resulting in
identification of one or more compatible components.